

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

In Re: Petition for Rulemaking Regarding  
Members-Only Minority-Union Collective Bargaining

**ORDER**

On August 14, 2007, the Board received a petition requesting that the Board revise the Board's Rules and Regulations to include the following provision:

Pursuant to Sections 7, 8(a)(1), and 8(a)(5) of the Act, in workplaces where employees are not currently represented by a certified or recognized Section 9(a) majority/exclusive collective-bargaining representative in an appropriate bargaining unit, the employer, upon request, has a duty to bargain collectively with a labor organization that represents less than an employee-majority with regard to the employees who are its members, but not for any other employees.

On January 4, 2008, the Board received a second petition in support of the August 14, 2007 petition.

After careful consideration, we have decided to deny the above petitions, without passing on the merits of the arguments set out therein. Our decision is based on our judgment respecting the most effective allocation of the Board's limited resources. The petitions call for a significant reinterpretation of the National Labor Relations Act, and would require the dedication of substantial Board resources to study the issues raised by the petitions and the significant legal and policy considerations presented thereby. We have determined that the resources that would be required to address the petitions are better allocated to the adjudication of cases and to the rulemaking proceedings currently in progress at the Board.

Dated, Washington, D.C., August 26, 2011.

Wilma B. Liebman,	Chairman
Craig Becker,	Member
Mark Gaston Pearce,	Member
Brian E. Hayes,	Member <sup>1</sup>

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<sup>1</sup> Member Hayes would deny the petitions for the reason that he questions the Board's authority to promulgate the proposed rule. He agrees in any event that the Board's limited resources are better allocated to case adjudication.